# EXHIBIT 3

COMMONWEALTH OF MASSACHUSETTS
RE: P. O. THOMAS TAYLOR
SPECIAL – 9/8/02

Sep. 9, 2002, 6:05 p.m.
Boston Police Homicide Unit

(PLEASE NOTE:....dots indicate transcriber could not get what was said).

Conducting this interview are Sgt. Detective James J. Wyse and Sgt. Det. Daniel Coleman. Present are Atty. Thomas Drechsler and Atty. Eric Goldman, attorneys for P. O. Michael Paillant.

STATEMENT OF MICHAEL PAILLANT

SGT. DET. WYSE:

Q Today is Monday, September 9th, the year is 2002. The time now is approximately six o'five p.m. We're presently at the Boston Police Headquarters conducting an interview with Officer Michael Paillant relative to a police involved shooting that occurred on September 8th, the year 2002, at approximately one twenty-five a.m., in the vicinity of Dunkeld and Fayston Street on District 2. Conducting this interview is Sergeant Detective Daniel Coleman and myself Sergeant Detective James J. Wyse. Officer Paillant is accompanied by his attorneys, Attorney Thomas Drechsler and Attorney Eric Goldman. Officer, for the record, could you kindly state your name and spell your name.

A My name is Officer Michael Paillant, last name is P-A-I-L-L-A-N-T.

Q And where are you assigned?

A I'm assigned to Area B-3 in Mattapan.

Q Okay. And when were you appointed to the Boston Police Department?

A In March of 95.

Q Okay. And for the record, ah, Attorney Drechsler, could you state your name, please, spell it.

ATTY. DRECHSLER: Sure. Attorney Tom Drechsler, D-R-E-C-H-S-L-E-R. I'm here on behalf of Officer Paillant.

Q And, Attorney Goldman, could you state your name and spell it for us?

ATTY. GOLDMAN: Sure. It's Eric Goldman, G-O-L-D-M-A-N. And I'm also here on behalf of (Clears throat) Officer Paillant.

Q Now, Officer Paillant, on the morning watch of 9/8/02, ah, were you present, were you working?

A Yes, I was.

Q And were you in full uniform that evening?

A Yes, I was.

Q And what was your assignment?

A I was assigned to, ah, a Rapid Vehicle, the Charlie 1-0-3 Alpha.

Q Is that a one or a two-man car?

A It was like a two-man car.

Q Okay. And was anybody in that car with you?

A Yes.

Q Who were you assigned with that evening?

A Officer Thomas Taylor.

Q Okay. During the course of that, ah, tour of duty were you dispatched to the vicinity of Harvard Street?

A Yes, I was.

Q And what was the purpose of you going there?

A It was for an investigation case unit on a sexual assault.

Q And did that investigation lead you to the vicinity of Fayston and Dunkeld Street on District 2?

A Yes, it did.

Q. All right. And as a result of you responding there did you have anybody on board other than your partner?

A. Yes, I did.

Q And do you know who that individual was?

A His name was James Nicholas.

Q And what was the purpose of Mr. Nicholas being in the vehicle?

A Ah, he was involved possibly with a sexual assault.

Q And what was the reason for you taking him to that area?

A Ah, just for further investigation, possibly a bring back.

Q So for purposes of identification?

A That's correct.

Q (Someone clears throat). And when; you were at that location did your partner stay with you, or did you get out of the vehicle, or did your partner get out of the vehicle?

A My partner exited out of the vehicle and went to the location of 85 Fayston Street.

Q. And what was the purpose of him going there?

A. He went to speak with the victim and the victim's mother.

Q. And during that time were you inside the vehicle, the police?

A. Yes, I was.

Q. All right. Did you remain inside the vehicle?

A. No, I did not. Eventually I exited the vehicle.

Q. (Clears throat). And while you were outside the vehicle did your partner return?

A. Yes, he did. He didn't. I observed him further down the street walking towards myself.

Q. He started walking towards the cruiser?

A. Yes.

Q. And was he in the presence of anybody?

A. He was with one female witness.

Q. (Someone clears throat). And what was the purpose of bringing this female to your cruiser?

A. Ah, she was hopefully going to clarify whether this individual was involved in the sexual assault or not, to bring back.

Q. And was it in fact an identification made?

A. No, there was not. Because at that time she didn't make it up to the vehicle.

Q. And why? Was your attention diverted to anywhere else?

A. Yes, it was.

Q Where was that? What happened next as your partner was approaching with this lady?

A (Someone clears throat). From the area of Quincy Street I heard a vehicle tires screeching and I was just, ah, looking around from left to right trying to see where it was coming from.

Q Okay. Now the area where you parked your vehicle was that at the top of Dunkeld Street?

A Yes, it was.

Q And what street were you parked on?

A My vehicle was parked on Fayston Street, at the corner of Fayston and Dunkeld.

Q Okay. And would I be correct if I said when you came to the top of Dunkeld Street and Fayston you had to take either a left or a right?

A Yes.

Q Okay. Your vehicle, if you took a right you would be going the correct way am I right? (Someone clears throat).

A That's correct.

Q Okay. Your vehicle was parked in the opposite direction going the wrong way?

A Yes, it was.

Q Okay. When you observed you observed this vehicle coming up the street from Quincy?

A Yes, I did.

Q. What attracted your attention to this particular vehicle coming up the street?

A. Ah, the screeching tires and the loudness of the engine as it roared up the street.

Q. Was there anything else that directed your attention to this particular car?

A. There was a cruiser that was behind it with the blue lights activated.

Q. At that point did you, what did you do when you saw this vehicle coming up the street?

A. I put my, I opened the palm of my hand (Someone clears throat) and put them forward in front of me and I gave the verbal command, I shouted the verbal command for it to stop several times.

Q. Now did you put up both hands or one hand?

A. One hand.

Q. And why did you give the verbal commands for them to stop?

A. Because the vehicle appeared to be fleeing from the cruiser that was in back of it. It looked (Stutters). It looked like the cruiser in back of it wanted to conduct a motor vehicle stop and that the vehicle continued to move.

Q. Did you have a walkie talkie on that evening or a police radio on?

A. I did.

Q. And could you hear if this particular cruiser was following the suspect's vehicle?

A. I did not hear any type of radio transmission in regards to any type of, ah, a vehicle violation or any type of vehicle that was fleeing the police.

Q. So there was no radio transmission of this police car following any vehicle, this particular vehicle?

A. None, not at all. That's why the situation caught me off guard.

Q. Okay. Now when you went to stop the vehicle you put one hand up, where was your other hand?

A. My other hand was by my side.

Q. Which hand was by your side?

A. My right hand.

Q. Your right hand. And did the vehicle stop for you then?

A. It did not. (Someone clears throat). I with drew my firearm from my holster as the vehicle got closer.

Q. And you had the firearm drawn on the vehicle?

A. I did. The vehicle then slowed down, I perceived it as I was about to assist with conducting the motor vehicle stop. Then the vehicle, ah, the operator of the vehicle then accelerated the gas. The engine got real loud and the vehicle accelerated quickly and struck me.

Q. At what point did the vehicle strike you? What street were you on at that point? Were you on Dunkeld Street or were you on Fayston Street?

A. I was on Dunkeld Street.

Q. Dunkeld Street just at the top or were you?

A. I was out at the top of Dunkeld Street.

Q. When the vehicle struck you what part of the vehicle struck you?

A. The front end of the vehicle struck me.

Q. What side, ah, the right side, or the left side, or the center?

A. More, ah, from the center more towards the right, right side..

Q. All right. And as a result of that vehicle striking you what happened?

A. The vehicle basically plowed right through me. I went over the hood of the vehicle striking my elbow and my left-hand side of my knee area and by the time I landed on the other (Someone clears throat) side of the vehicle towards the front right passenger's side the vehicle's right tire then struck me, the front right tire struck me, struck my leg.

Q. What leg did the vehicle, the tire strike?

A. It struck my left leg.

Q. It struck your left leg?

A. That's right.

Q. At that point the vehicle hit you, put you, you went on the hood of the car?

A. Over, over the hood of the car.

Q. Over the hood of the car and then onto the right-hand side, the passenger's side of the vehicle?

A. That's correct.

Q. What position were you in at that point after you went over the hood of the car?

A. I was in the process of falling down.

Q. Was the vehicle on Fayston Street at that point?

A. No.

Q. It was still on Dunkeld Street?

A. That's correct.

Q. When did the vehicle turn onto Fayston Street?

A. It was in the process of turning onto Fayston Street after I had pulled my leg, had struck my leg, the tire, the tire had struck my leg, the tire was rotating onto my pants leg and caused several cuts, lacerations to my leg.

Q. So the car was making a turn, so it's fair to say that the car was on Fayston Street then when you were on the right-hand side?

A. It was on Fayston Street (Stutters) after the operator cut the wheel so the wheel was turned out and that's when the tire had struck me and the vehicle continued to turn. That's when it started to go into the turn after

Q. Okay. And what position were you in at that point?

A. I was still in the process of falling down. Ah, then the right side of the vehicle including the doors, the mirror, and what have you scraped up against me and pushed, pushed me back.

Q. During that time did you hear anything else, other noises, other than the engine, other than the car?.

A. I heard the sound of gun fire.

Q. And how many shots did you hear?

A. I just heard a succession. I heard, I heard just rapid fire, and then by the time the vehicle turned down the street I didn't hear it any more.

Q. So after the vehicle went down Fayston Street where were you?

A. I was crouched down to the side of the sidewalk area.

Q. You were crouched down?

A. Yes.

Q. On both feet?

A. I don't recall.

Q. Now when you say "crouched down" was it a defensive crouching position or was it as the result of you being hit by the vehicle?

A. I wasn't sure. I thought it was the suspect's gunfire, so I stayed down in a crouched position.

Q. So you stayed down. It was a defensive crouch then?

A. That's correct. But at one point it was I was down because of being struck by the vehicle and as when it turned from hearing the shots I stayed down.

Q. Okay. Did you ever go to your knee, either your left knee or right knee?

A. I don't remember that. (Both talking at once).

Q. After the vehicle, you realized that the shots were over and the vehicle, continued down did the vehicle leave at a high rate of speed or was it?

A. After the, after the shots were over the doors of the vehicle started to open.

Q. On Fayston Street?

A. On Fayston Street. The street was well lit so I was able to see what was going on and I saw the doors open and the vehicle did move slowly down Fayston Street and it made a right turn onto Perth.

Q. Did anybody exit the vehicle at that point?

A. I did not see anybody exit the vehicle.

Q. Okay. The vehicle then turned onto Perth Street?

A. Yes.

Q. And how far would you say that Dunkeld Street was to Perth Street, if you were to give a distance?

A. Dunkeld to Perth, I'll say about fifty yards.

Q. Fifty yards. And you made your way from Dunkeld Street to Perth Street?

A. Yes, as I was. After I was struck I observed the vehicle going down the street. I was in pain, but I managed to hobble down the street and got on the air and notified the dispatcher as to my location, and that there was an assault A and B DW just occurred on a police officer with a vehicle, and that the vehicle was heading down Fayston Street and it took a right onto Perth.

Q. Were you able to see the car going down Perth Street?

A. Yes.

Q. And where did that go onto?

A. Then the vehicle took a left onto Quincy Street.

Q. And were you able to maintain visual contact with that?

A. I did.

Q. When the vehicle turned onto Quincy Street where were you then?

A. When the vehicle turned onto Quincy Street I was still making my way down Perth Street.

Q. And as you got to the bottom of Perth Street did you still observe the car on

Quincy Street?

A. Yes, I did. As I made my way around the corner I observed at least three male suspects exit the motor vehicle.

Q. Can you describe any of these individuals who got out of the vehicle?

A. Ah, I don't recall them being that tall.

Q. Okay. Can you describe any of the clothing? Was there anything outstanding about anything anyone was wearing in that vehicle?

A. I don't recall. I didn't see anything physical about the clothing.

Q. Was there white clothing, dark clothing?

A. I believe there were dark clothing mixed with, ah, possibly light colors.

Q. So there's nothing that's outstanding that you can recall about any of the?

A. No.

Q. At any point (Stutters) as the vehicle went down Perth Street did it still have its doors open?

A. Yes.

Q. Did you see anybody exit the vehicle on Perth Street?

A. No, I did not.

Q. And as the vehicle turned onto Quincy Street did the vehicle maintain having the doors open, continue to have the doors open?

A. Ah, the vehicle was operating even slower, at a slow crawl pace by then and, ah, the suspects exited the vehicle and ran to the right of the vehicle onto the sidewalk.

Q And where did they go when they were on the sidewalk?

A Continued, ah, into a back yard, into a back yard of somebody's home.

Q And did the vehicle stop right there where they got out of the vehicle?

A It rolled and then it looked like it was about to come to a stop. It was at a real slow pace.

Q. So the vehicle was unattended and still moving?

A. The vehicle appeared to me to be unattended with the doors open.

Q At that point what did you do? Did you try to follow the suspects?

A I ran into a back yard that was adjacent to where I observed the suspects running and I could hear the suspects climbing over a chain link fence.

Q Did you. During the course of this time from the point you got struck at Dunkeld and Fayston did you see the police cruiser after that?

A. No, I did not.

Q Did the police cruiser have its blue lights activated the entire time?.

A. Yes, it did.

Q Where was your partner at that point when you got?

A. When I got struck, I couldn't tell you. I have no idea. I couldn't. I know that he wasn't, wasn't in front of me. I just don't know where he was at.

Q. As you were following the vehicle on foot did you see the cruiser at anytime go down Perth Street?

A I did see the cruiser go on Perth Street.

Q. Where were you at that point when?

A. I was probably on top of the street, maybe half way down in between that area.

Q. And did you see the cruiser on Quincy Street going on Quincy Street?.

A. I did see the cruiser go onto Quincy Street.

Q. Okay. Where were you at this point when you saw them go on Quincy?

A. Ah, I was over half way down towards the bottom of the street.

Q. So it would be fair to say that the officers in the cruiser observe the suspects get out of the vehicle?

A. I observed the suspects get out of the vehicle.

Q. Okay.

A. I didn't see any cruiser in the vicinity at that point.

Q. At what point did you see the cruiser?

A. I didn't see any cruiser until I came out of the back yard looking for the suspects.

Q. When the suspect's vehicle went down Perth Street did you see a cruiser come around at all?

A. No, I did not.

Q. At what point did you see your partner again?

A. When I made it back to Quincy Street where there was a cruiser and an ambulance arrived..

Q. When the cruiser and the ambulance arrived.. Ah, one more thing when you initially saw the suspect's vehicle coming up Dunkeld Street from Quincy Street how many occupants did you see in the vehicle?

A. …….(Not clear). All I saw was bright headlights coming at me and it was a white vehicle. I didn't, I couldn't ascertain as to how many occupants were in the vehicle.

Q. At what point did you realize that there was three occupants in the vehicle?

A. When they exited the vehicle on Quincy Street.

Q. So that was the first time that you realized that there was more than one person in the vehicle?

A. No, I realized there were several people in the vehicle on Fayston Street.

Q. On Fayston Street. It wasn't until they were on Fayston Street that you realized that there were several people in the vehicle?

A. That's correct.

Q. Was that before or after the shots were fired?

A. After the shots?

Q. After the shots. And what made you realize there was more than, there was more than one person in the vehicle?

A. I just saw dark, ah, images of heads in the vehicle.

Q. Okay. Where was your weapon when you were struck?

A. Ah, that I don't recall. Either I had holstered it or it was still in my hand by my side.

Q. Did you discharge your weapon at all?

A. No, I did not.

Q. Did you. At what point did you holster your weapon?

A. That I really don't recall.

Q. Okay. Did you have your weapon when you went after the suspects who went through the yard?

A. I did have my weapon with me. I had my radio. After I was struck by the vehicle my radio broke off of my waist off of my holster.

Q. Okay. And you weapon was out of the holster, it was unholstered?

A. When I was struck?

Q. No, when you were going through the yards.

A. I believe it was.

Q. Sergeant Coleman?

: SGT. DET. COLEMAN:

Q. Yes. For the record Sergeant Coleman from the Homicide Unit.

A. I believe I reholstered it while I was in the yard.

SGT. DET. WYSE:

Q. Okay.

A. I had fixed my radio, I dropped my cruiser keys somewhere between Quincy and the back yard and they were recovered by an officer.

Q. Okay.

SGT. DET. COLEMAN:

Q. Okay. Ah, Sergeant Coleman for the record. Officer Paillant, when you initially responded to Fayston Street with your partner with this individual James, Nicholas on board, ah, were there any other officers in that area of 85

Fayston Street?

A. Yes, there was.

Q. Who would that be?

A. Ah, it was my patrol supervisor, Sergeant Santry..

Q. Sergeant Santry. Is Sergeant Santry a District 3 supervisor?

A. That's correct.

Q. Okay. And, ah, do you know where he was at the time of this incident?

A. I believe he was inside of 85 Fayston Street.

Q. Okay. And prior to making your observations visually of a vehicle on Dunkeld Street I think you had mentioned you were standing outside of the cruiser and Mr. Nicholas would have been inside the cruiser. Is that correct?

A. That's correct.

Q. Okay. And you saw your partner, Officer Taylor, walking with a female witness in your direction?

A. That's correct.

Q. From your cruiser, I think you told us your cruiser was pointed in the direction of Columbia Road if you were standing on Fayston Street?

A. That's correct.

Q. Ah, what direction would your partner and that female witness be walking from, would they be walking in the direction of the back of the cruiser or towards the front of the cruiser?

A. They would be walking towards the front of the cruiser.

Q Okay. So if I were sitting in the driver's seat of the cruiser looking towards Columbia Road direction that's where your partner would have been walking from?

A That's correct.

Q Okay. At the point that you, ah, made the visual observation of the vehicle on Dunkeld Street, ah, can you tell me where you were standing in relation to your cruiser? Were you right next to the cruiser or where were you?

A Ah, I was at the top of Dunkeld Street.

Q In relationship to your cruiser how far away were you from the cruiser?

A I was about twenty feet from the cruiser, fifteen or twenty feet from the cruiser.

Q And would that be fair to say that it was in the direction of Dunkeld Street away from the cruiser?

A No, It was, ah. The cruiser was parked at the corner of Dunkeld and Fayston on Fayston, and the back end was perpendicular with the sidewalk of Dunkeld. (Someone clears throat).

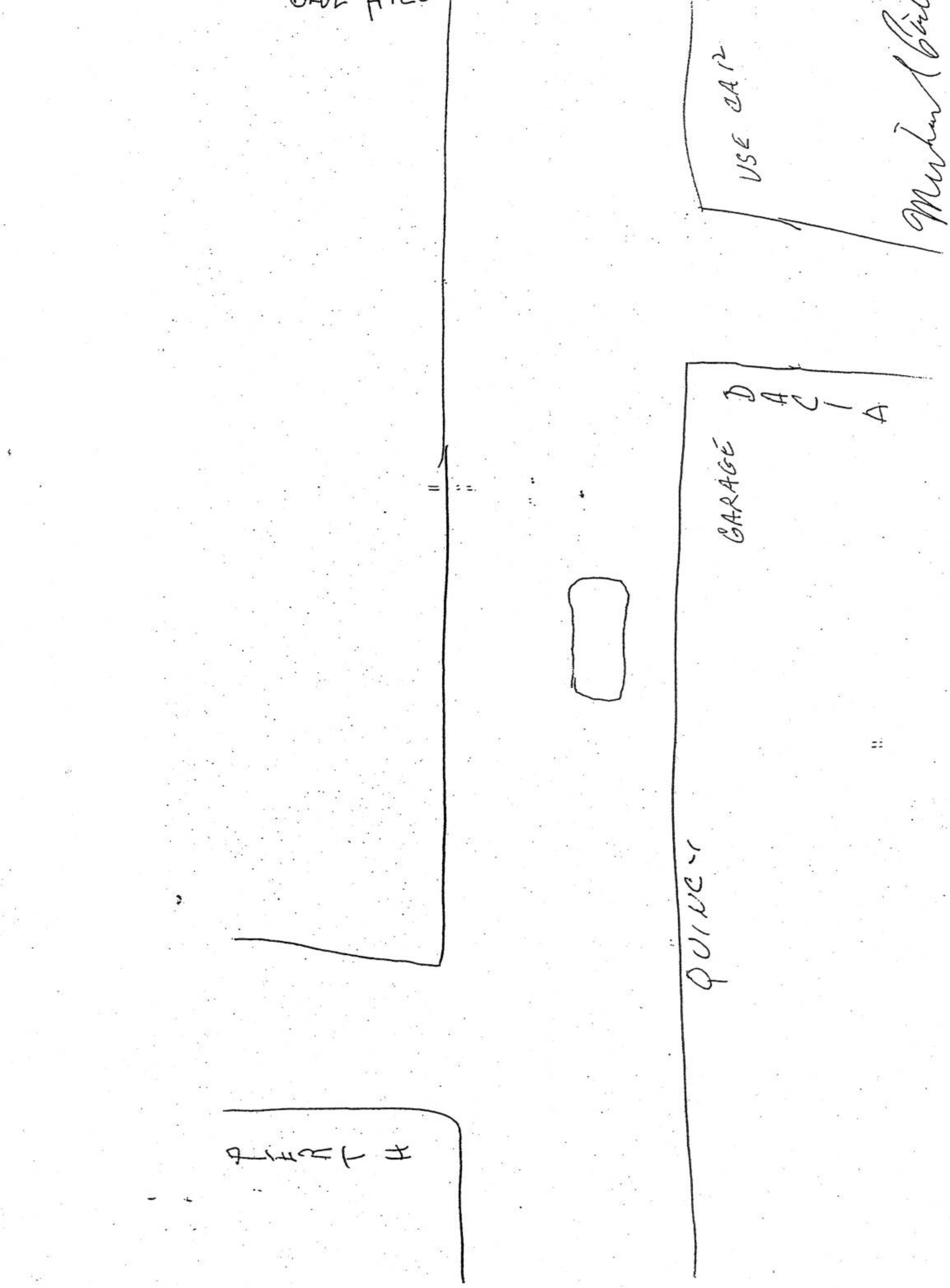
Q Okay. Is it fair to say that you were closer to Dunkeld Street than the cruiser was?

A Yes, I was.

Q Okay. And your partner was still a distance away from the cruiser. Is that correct?

A That's correct.

Q And when you made the observations, the visual observations, of the vehicle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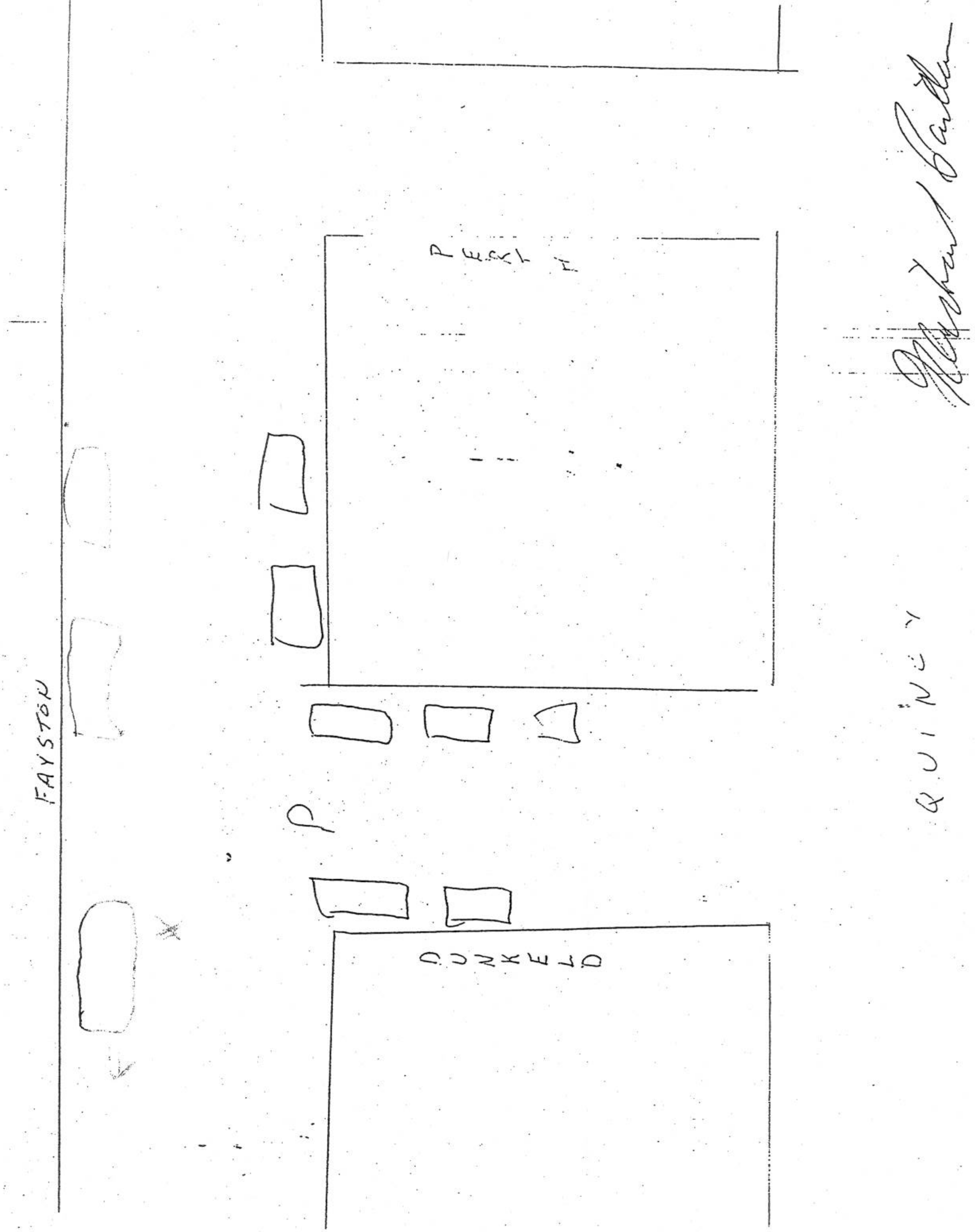
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